

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H2/7/03*

# A Bill

HOUSE BILL 1023

5 By: Representatives Dangeau, Pickett, *Adams, Biggs, Bolin, Boyd, Chesterfield, Clemons, Cowling,*  
6 *Creekmore, Dees, Dickinson, Dobbins, Eason, Elliott, L. Evans, Fite, Gillespie, Gipson, Hathorn,*  
7 *Hickinbotham, House, Jeffrey, C. Johnson, J. Johnson, Jones, Judy, King, Ledbetter, Lewellen, Mack,*  
8 *Mahony, Mathis, Milligan, Moore, Napper, Oglesby, Ormond, Petrus, L. Prater, Rankin, Roebuck,*  
9 *Scroggin, Seawel, Stovall, Sullivan, Sumpter, Thomas, Walters, Weaver, White, Wood*

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## For An Act To Be Entitled

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AN ACT TO REORGANIZE THE STATE BOARD OF  
14 EDUCATION; TO REQUIRE THE DIRECTOR OF THE  
15 DEPARTMENT OF EDUCATION TO SERVE AT THE PLEASURE  
16 OF THE BOARD; TO REQUIRE THE DIRECTOR OF THE  
17 DEPARTMENT OF EDUCATION TO MAKE QUARTERLY REPORTS  
18 TO THE HOUSE AND SENATE EDUCATION COMMITTEES; AND  
19 FOR OTHER PURPOSES.

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## Subtitle

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TO REORGANIZE THE STATE BOARD OF  
24 EDUCATION; TO REQUIRE THE DIRECTOR OF  
25 THE DEPARTMENT OF EDUCATION TO SERVE AT  
26 THE PLEASURE OF THE BOARD AND TO MAKE  
27 QUARTERLY REPORTS TO THE HOUSE AND  
28 SENATE EDUCATION COMMITTEES.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 6-11-101 is amended to read as follows:

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6-11-101. Members.

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(a)(1) ~~The State Board of Education shall be composed of twelve (12)~~  
36 ~~members.~~ The terms of all members of the State Board of Education serving



1 one (1) day prior to the second Monday in January of 2004 shall expire on the  
 2 second Monday in January of 2004, and new members appointed under section  
 3 (a)(2) shall begin their terms on the second Monday in January of 2004.

4 ~~(2) Beginning in 1999, the number of board members shall be~~  
 5 ~~reduced so that by the end of the year 2001, the board~~ The State Board of  
 6 Education shall be composed of nine (9) members, two (2) to be selected from  
 7 each congressional district of the state and the remainder to be appointed at  
 8 large from within the state. The number of members shall be modified as  
 9 follows:

10 ~~(A) Upon the expiration of the terms of two (2) board~~  
 11 ~~members in the year 1999, there shall be an appointment of one (1) member;~~

12 ~~(B) Upon the expiration of the terms of two (2) board~~  
 13 ~~members in the year 2000, there shall be an appointment of one (1) member;~~  
 14 ~~and~~

15 ~~(C) Upon the expiration of the terms of two (2) board~~  
 16 ~~members in the year 2001, there shall be an appointment of one (1) member.~~

17 (3) The members of the State Board of Education shall be  
 18 appointed as follows:

19 (A) Three (3) persons appointed by the Governor;

20 (B) Three (3) persons appointed by the President Pro  
 21 Tempore of the Senate; and

22 (C) Three (3) persons appointed by the Speaker of the  
 23 House of Representatives.

24 (4) The Governor, President Pro Tempore of the Senate, and the  
 25 Speaker of the House of Representatives shall draw lots to determine from  
 26 which congressional districts each officer will make his or her appointments  
 27 or if the appointment will be for an at-large position.

28 ~~(b)(1) The term of office of a member of the board shall be six (6)~~  
 29 ~~years. Upon taking office in 2004, the members shall draw lots to determine~~  
 30 ~~the length of their terms.~~

31 (2) The initial terms of office shall be staggered terms such  
 32 that:

33 (A) One (1) member appointed by each officer shall have an  
 34 initial term that expires on January 1, 2006;

35 (B) One (1) member appointed by each officer shall have an  
 36 initial term that expires on January 1, 2008; and

1                    (C) One (1) member appointed by each officer shall have an  
2 initial term that expires on January 1, 2010.

3                    (3) Subsequent appointments shall be for a term of six (6)  
4 years.

5            (c) The membership of the board ~~shall~~ should reflect the diversity in  
6 general education.

7            (d)(1) No person may serve as a member of the board unless he or she  
8 is a qualified elector and is a person of high moral standards and recognized  
9 ability.

10            (2) Neither the Director of the Department of Education nor any  
11 candidate for public office, holder of a public office in the state,  
12 schoolteacher, county or city superintendent, employee of a state-supported  
13 college or university, or member of any board of trustees of any state  
14 institution of higher learning shall serve as a member of the board.

15            (e) The members of the board shall ~~be appointed by the Governor,~~  
16 ~~subject to the confirmation of the Senate, and shall~~ take the oath of office  
17 for officers prescribed by the Constitution.

18            (f)(1)(A) When a vacancy occurs in the membership of the board, ~~the~~  
19 ~~Governor shall appoint a successor to the person who has vacated the~~  
20 ~~membership, who will~~ the vacancy shall be filled in the same manner and from  
21 the same congressional district as the original appointment.

22                    (B) If the original appointment was for an at-large  
23 position, any vacancy shall be filled in the same manner as the original  
24 appointment and shall continue to be an at-large position.

25                    (C) The person appointed shall serve the unexpired term of  
26 the person succeeded, subject to all other provisions of this section.

27            (2) Resignation, removal from the district from which he or she  
28 is appointed, disqualification, incapacitation from mental or physical  
29 disability or otherwise, or change in status from the eligibility  
30 requirements for membership on the board shall automatically create a vacancy  
31 in the membership of the board, and no such member shall thereafter exercise  
32 any of the functions of membership on the board even though his or her  
33 successor has not been appointed.

34            ~~(g)(1) Members of the board shall be subject to removal from office by~~  
35 ~~the Governor when the actions or condition of a member shall be considered as~~  
36 ~~sufficient cause for removal.~~

1           ~~(2) However, before a member may be removed for cause, this~~  
2 ~~cause must have been accepted as true, good, and sufficient by a majority~~  
3 ~~written vote of all members of the board after a formal hearing at a regular~~  
4 ~~or special session of the board.~~

5           ~~(h)~~(g) The members of the board shall serve without remuneration but  
6 may receive expense reimbursement and stipends in accordance with § 25-16-901  
7 et seq., as follows:

8           (1) Their actual expenses while attending regular and special  
9 meetings of the board; and

10           (2) A per diem allowance when in attendance at regular or  
11 special meetings of the board.

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13           SECTION 2. Arkansas Code § 6-11-102(a), concerning the employment of a  
14 director of the Department of Education, is amended to read as follows:

15           ~~(a) Subject to confirmation by the Governor, the~~ The State Board of  
16 Education ~~is empowered to~~ shall employ a person to act as the Director of the  
17 Department of Education, who shall serve at the pleasure of the ~~Governor~~  
18 board.

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20           SECTION 3. Arkansas Code § 6-11-102, concerning the director of the  
21 Department of Education, is amended by adding a new subsection to read as  
22 follows:

23           (g) The director and the chairperson of the board shall report in  
24 person the activities of the Department of Education to the House and Senate  
25 Interim Committee on Education, or the House and Senate Education Committees,  
26 when the General Assembly is in session, no later than March 31, June 30,  
27 September 30, and December 31 of each year.

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29           SECTION 4. Arkansas Code § 6-11-103 is amended to read as follows:  
30 6-11-103. Officers.

31           (a) The State Board of Education shall have an organizational meeting  
32 on the second Monday in January 2004 and shall elect one (1) of its number  
33 ~~chairman~~ chairperson, one (1) vice ~~chairman~~ chairperson, and such other  
34 officers as the board deems necessary to perfect its organization.

35           (b) The Director of the Department of Education shall act as ex  
36 officio secretary of the board without vote.

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SECTION 5. Arkansas Code § 6-11-104 is amended to read as follows:

6-11-104. Meetings.

(a) The State Board of Education shall meet ~~a minimum of six (6) times~~ annually no less than once per month.

(b) ~~The board will~~ During the organizational meeting in January 2004, the board shall determine the meeting dates for the year, and thereafter the board shall meet each December to determine the meeting dates for the following year.

(c)(1) Special meetings may be called by the ~~chairman~~ chairperson of the board with no less than twenty-four (24) hours notice to the members and the Director of the Department of Education and with timely responses from enough board members that they will attend the meeting so as to indicate that a quorum will be present.

(2) In the absence of the ~~chairman~~ chairperson, the director shall call a meeting on the request of three (3) members of the board with the same notice and response requirements.

(3) If both the ~~chairman~~ chairperson and the director shall be absent or refuse to call a meeting, any three (3) members of the board may call a meeting by utilizing the same notice and response requirements in notifying the members and the office of the director.

*/s/ Dangeau, et al*